

ORIGINAL

INDIANA UTILITY REGULATORY COMMISSION

Final Rulemaking

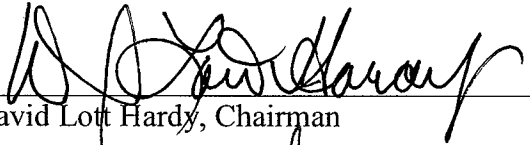
IURC RM #06-05

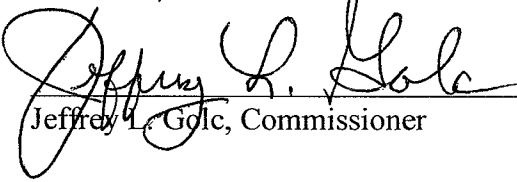
LSA #06-429(F)

Adding 170 IAC 7-1.4 to Require Customer Notification
When a Telecommunications Service Provider Communicates with a Residential Customer
about Changing from Basic to Nonbasic Telecommunications Services.

Upon prior publication of notices, an initial public hearing held on December 14, 2006, at 9:30 a.m., E.S.T. (local time) in Room E306 of the Indiana Government Center-South, 302 W. Washington Street, Indianapolis, Indiana, and a second public hearing held on April 5, 2007, at 9:30 a.m., E.D.T. (local time) in CC32 of the Indiana Government Center-South, 402 W. Washington Street, Indianapolis, Indiana, as required by the provisions of I.C. 4-22-2-1, *et seq.*, the Indiana Utility Regulatory Commission, on April 11, 2007, at 2:00 p.m. E.D.T. in Room E306, Indiana Government Center-South, Indianapolis, Indiana at which time a majority of members of said Commission were present, adopted the foregoing rule.

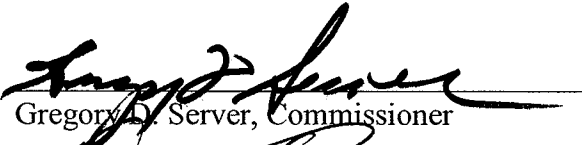
The Secretary is hereby directed to submit the aforesaid rule to the Attorney General and Governor of Indiana, for their approval of same, and thereafter to submit the aforesaid rule to the publisher, Indiana Register.

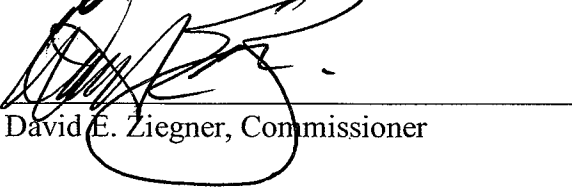

David Lott Hardy, Chairman


Jeffrey L. Gole, Commissioner

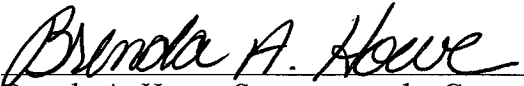
ABSENT

Larry S. Landis, Commissioner


Gregory D. Server, Commissioner


David E. Ziegner, Commissioner

ATTEST:


Brenda A. Howe, Secretary to the Commission

Date: **APR 11 2007**

**TITLE 170 INDIANA UTILITY REGULATORY
COMMISSION**

Final Rule
LSA Document #06-429(F)

DIGEST

Adds 170 IAC 7-1.4 to require customer notification when a telecommunications service provider communicates with a residential customer about changing from basic to nonbasic telecommunications services. Effective 30 days after filing with the Publisher.

170 IAC 7-1.4

SECTION 1. 170 IAC 7-1.4 IS ADDED TO READ AS FOLLOWS:

Rule 1.4. Customer Notification Required When a Telecommunications Service Provider Communicates with a Residential Customer about Changing from Basic to Nonbasic Telecommunications Services

170 IAC 7-1.4-1 Policy and scope

Authority: IC 8-1-2.6-4.1

Affected: IC 8-1-2-88.5; IC 8-1-2.6; IC 8-1-17-22.5

Sec. 1. (a) This rule is intended to establish a procedure for providing notice to customers when a telecommunications service provider communicates with a residential customer about changing the customer's basic telecommunications service to nonbasic telecommunications service.

(b) This rule applies to providers of telecommunications services in Indiana, with the exception of providers that:

(1) have withdrawn from commission jurisdiction under:

(A) IC 8-1-17-22.5; or

(B) IC 8-1-2-88.5; or

(2) are subject to provider-specific alternative regulation plans or settlement agreements during the term of that plan or agreement.

(c) This section expires July 1, 2009. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.4-1*)

170 IAC 7-1.4-2 Definitions

Authority: IC 8-1-2.6-4.1

Affected: IC 8-1-2.6

Sec. 2. (a) The following definitions apply throughout this rule:

(1) "Basic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.1.

(2) "Commission" means the Indiana utility regulatory commission.

(3) "Communicate" or "communication" means any written, verbal or electronic contact between provider and customer, initiated by either the provider or the customer, but does not include advertising or promotional materials.

(4) "Nonbasic telecommunications service" has the meaning set forth in IC 8-1-2.6-0.3.

(5) "Provider" has the meaning set forth in IC 8-1-2.6-0.4.

(6) "Telecommunications" has the meaning set forth in IC 8-1-2.6-0.6.

(7) "Telecommunications service" has the meaning set forth in IC 8-1-2.6-0.7.

(b) This section expires July 1, 2009. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.4-2*)

170 IAC 7-1.4-3 Notice to customers

Authority: IC 8-1-2.6-4.1

Affected: IC 8-1-2-88.5; IC 8-1-2.6

Sec. 3. (a) At any time the provider and a residential customer communicate about changing the customer's basic

telecommunications service to nonbasic telecommunications service, the provider shall notify the residential customer:

- (1) of the option of basic telecommunications service; and
- (2) that, by switching to nonbasic telecommunications service, the customer will be forgoing the regulatory protections of:

(A) commission jurisdiction over:

- (i) rates and charges; and
- (ii) service quality standards; and

(B) access to the commission's consumer complaint procedures and proceedings.

(b) The notice shall be given in the same form and at the same time as the communication.

(c) A provider may determine the exact language of the notice that the provider will use, as long as the notice used complies with subsections (a) and (b).

(d) A provider that uses the following language shall be deemed to be in compliance with this rule: "Through June 30, 2009, basic telecommunications services are under the jurisdiction of the Indiana utility regulatory commission, which provides regulatory protections regarding rates, service quality, and consumer complaints. By switching to nonbasic telecommunications service, which includes subscription to any package, plan, discount or group of services, you will be forgoing these regulatory protections."

(e) This section expires July 1, 2009. (*Indiana Utility Regulatory Commission; 170 IAC 7-1.4-3*)